

ORIGINAL

Approved:   
 ANDREW F. CHOW  
 Assistant United States Attorney

Before: THE HONORABLE LISA MARGARET SMITH  
 United States Magistrate Judge  
 Southern District of New York

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 UNITED STATES OF AMERICA : SEALED COMPLAINT  
 - v. - : Violation of 18 U.S.C.  
 KSAON CRUTE, : § 922(g)(1)  
 : COUNTY OF OFFENSE:  
 Defendant. : WESTCHESTER  
 ----- x

SOUTHERN DISTRICT OF NEW YORK, ss.:

J. KEVIN O'DONNELL, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, and charges as follows:

COUNT ONE

1. On or about May 12, 2016, in the Southern District of New York, KSAON CRUTE, the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, willfully and knowingly, did possess in and affecting commerce, a firearm, to wit, a Rossi .357 Magnum revolver, which previously had been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1).)

The bases for my knowledge and for the foregoing charge, are, in part, as follows:

2. I have been involved in the investigation of this matter, and this Affidavit is based upon that experience, my examination of various reports and records, and my conversations with other law enforcement agents and other individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all

the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my conversations with a law enforcement officer from the Mount Vernon Police Department ("MVPD"), who has participated in this investigation, I have learned, among other things, the following:

a. On or about May 12, 2016, a MVPD officer ("Officer-1") responded to a report of shots fired on South Fourth Avenue in Mount Vernon, New York. As Officer-1 arrived in the vicinity of South Fourth Avenue, Officer-1 encountered an individual (the "Victim") who informed Officer-1 that the Victim had just been fired upon approximately one block away. The Victim further informed Officer-1 that the Victim had dropped a wallet where the shooting had occurred.

b. Officer-1 proceeded to where the Victim stated the shooting had occurred. While looking for the wallet, Officer-1 encountered an individual at the scene ("Witness-1"), who instructed Officer-1 to take a look at the front passenger side tire of a vehicle parked on the side of the road (the "Vehicle"). Officer-1 did so and recovered a Rossi .357 Magnum revolver resting on the tire partially wrapped in a white t-shirt or cloth.

c. Shortly thereafter, an individual, later identified to be KSAON CRUTE, the defendant, wearing a blue and white sports jersey, exited a nearby Deli (the "Deli") and walked past Officer-1. Witness-1 identified CRUTE as the individual who had placed the object on the tire. CRUTE was placed under arrest.

4. Based on my review of a statement Witness-1 provided to law enforcement, I have learned, among other things, the following:

a. Witness-1 heard shots fired and then observed two males running down the street.

b. Witness-1 observed one of the two males, who was wearing a blue and white sports jersey, stop next to the Vehicle and place something wrapped in a white cloth or towel on

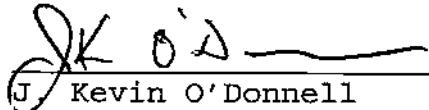
the front passenger side tire. The individual wearing the sports jersey then entered the Deli.

c. After the police arrived, Witness-1 observed the same individual exit the Deli. Witness-1 identified him to Officer-1 as the individual who had placed the object on the tire of the Vehicle.

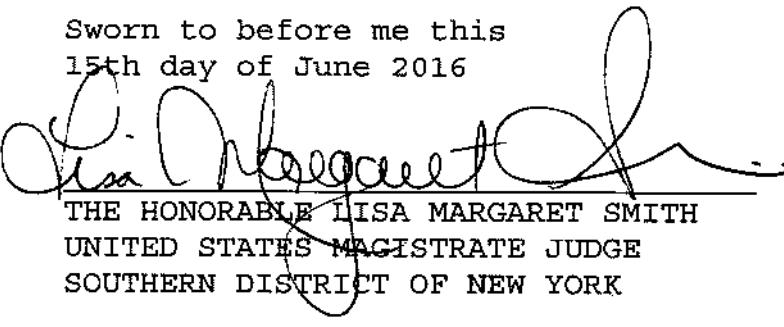
5. I have spoken to a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), who is familiar with the manufacturing of firearms. The ATF Special Agent informed me that Rossi .357 Magnum revolvers are not, and have never been, manufactured in New York State.

6. I have reviewed criminal history records pertaining to KSAON CRUTE, the defendant, which indicate that CRUTE was convicted on or about October 1, 2014, in Westchester County Court, of Attempted Criminal Possession of a Weapon in the Second Degree, a Class D felony, in violation of New York Penal Law 265.03.

WHEREFORE, the deponent respectfully requests that a warrant issue for the arrest of KSAON CRUTE, the defendant, and that he be imprisoned, or bailed, as the case may be.

  
J. Kevin O'Donnell  
Special Agent

Sworn to before me this  
15th day of June 2016

  
THE HONORABLE LISA MARGARET SMITH  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK